

**Notice of Allowability**

Application No.

10/088,030

Examiner

Sharad Rampuria

Applicant(s)

ALLAWAY ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/23/2006.
2. ☒ The allowed claim(s) is/are 31-48 and 50-68.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

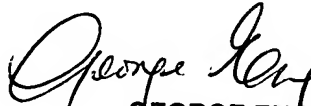
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 06/23/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER

Art Unit: 2617

### **DETAILED ACTION**

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

#### ***Continued Examination Under 37 CFR 1.114***

II. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/23/2006 has been entered.

#### ***Information Disclosure Statement***

III. The information disclosure statement (IDS) submitted on 06/23/2006 was filed after the mailing date of the Notice of Allowance and Fees Due (PTOL-85) on 03/24/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

IV. The current office-action is in response to the RCE/IDS filed on 06/23/2006.

Accordingly, Claims 1-30 and 49 were cancelled as in previous office-action and Claims 31-48 and 50-68 are pending for further examination as follows:

*Allowable Subject Matter*

V. The following is an examiner's statement of reasons for allowance:

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horrer et al. [US 6321084] disclose the internal communication transmitting terminals (e.g., **on-board telephones**) already provided for outgoing calls in an airplane can now also be used for incoming calls according to the invention. For this, the corresponding airline installs for each airplane a special call number that is used by flight passengers as call routing number for calls directed to their personal call number. The private branch exchange in the airplane can be reached under this special call number. Since the personal call number of the subscriber (i.e., the flight passenger) or a unique ID (e.g., a seat number) is also transmitted along, the call can be forwarded to the subscriber after the internal on-board telephone assigned to him has been determined by means of the personal call number and/or ID. (Col.2; 52-65 and FIG. 2 shows the flow chart of the method 100, in which subscriber B is assigned his personal call number in a first step 110. *When the subscriber stays in the coverage area of the mobile radiotelephone system, he can always be reached under this call number.* But now the subscriber is a passenger on board the airplane 1 shown in FIG. 1. A call that comes in to the mobile radiotelephone switching center is therefore rerouted in a subsequent step 120 to the private branch exchange 4 installed in the airplane. The assignment of the personal call number to the on-board telephone 2 of the subscriber is then stored in the assignment facility 19 in a step 130. Using this assignment, when the call comes in, the terminal, namely the onboard telephone 2, is then determined in a step 140. The call is then forwarded from the private branch exchange 4 to

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this on-board telephone 2; col.7; 12-28, col.6; 38-58 and call...forwarded; col.3; 14-40, col.2; 52-65)

Zicker [US 6314286] disclose a network of cellular communication systems in which many subscriber-provided radiotelephones communicate over a wide area through a plurality of cellsites that share common communication channels, the above and other advantages of the present invention are carried out in one form by a method of providing telecommunication services within a vehicle. This method calls for establishing a cellsite inside of the vehicle, coupling the cellsite to a public switched telecommunication network (PSTN) through a radio communication link, and setting up a call with a subscriber-provided radiotelephone residing inside the vehicle through the cellsite and radio communication link.

Bhagat et al. [US 5651050] disclose a ground-to-air telephone calling system is provided including a computer for receiving an airborne telephone number and a call-back number from a calling party and forming the telephone numbers into a data signal comporting with existing protocol filed in the FCC, an uplink unit for uplinking the data signal to a satellite and a plurality of downlink stations for receiving the data signal from the satellite; a plurality of ground stations corresponding to each of the downlink units for receiving the data signals and passing a call signal identifying the airborne telephone and particular ground station to a corresponding transmit/receive unit for subsequent transmission to the aircraft; a call being initiated from the ground station to the calling party over the public switched telephone network if the aircraft responds to the call signal. An alternative embodiment provides for a plurality of telephones on

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board the aircraft, and is capable of directing a call from a ground based caller to a particular telephone assigned to a passenger on the aircraft.

Gilhousen et al. [US 5519761] disclose the airborne radio communications system of the present invention enables an airborne radio to communicate with the ground based cellular radiotelephone system. The present invention also enables the ground based system to keep track of the location of the airborne radiotelephone and page it when a call from the ground based telephone system is received. The ground base station is connected to upward radiating antennas that form airborne cells. As the aircraft with the radio flies through the airborne cells, the airborne relay receives the signals from the base station and relays them to the radio. If the radio is transmitting signals, the relay transmits those signals, through the airborne cells, to the base station. As the aircraft moves from cell to cell, the radio is handed off to the next cell to maintain communications with the ground.

Therefore, all of the above prior art fails to disclose associating a diversion instruction with the cellular telephone number, the diversion instruction representing an instruction to forward an incoming call for the cellular telephone number to the communications system aboard the aircraft; *considering a state of a cellular telephone associated with the cellular telephone number as busy, regardless of an actual state of the cellular telephone.*

Consequently, Claims 31-48 and 50-68 are allowed on behalf of above-discussed reasons, and also based on Applicants arguments and remarks filed on 8/30/05 as well.

***Conclusion***

VI. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

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